

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4446 of 1984

Date of decision: 3-4-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VISHUPRASHAD P JANI

Versus

GUJ. AGRICULTURAL UNIVERSITY

Appearance:

MR MJ PARIKH for Petitioner
MR JR NANAVATI for Respondent No. 1
SERVED for Respondent No. 4, 5, 6, 7, 8, 9, 10, 11

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/04/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioner, a senior clerk in the Gujarat Agricultural University, has filed this special civil application challenging the selection held in July 1983 for the post of Accounts Officer and further prayer has been made to quash the appointment of respondents No.4 to 11 in pursuance of the aforesaid selection.

2. It is not in dispute that the petitioner is one of the applicants in the selection held in July, 1983 for the post of Accounts Officer. He was called for interview before the selection committee, but he was not selected. Respondents No.4 to 11 were selected and they have been given appointment. Relying on the decision of this Court in the case of Shantilal Ambalal Panchal vs. State of Gujarat, reported in 1984 GLH 217, the counsel for the petitioner contended that the selection committee has not made selection by adopting safe or adequate method to assess the merits of the candidates. That case is of little help to the petitioner as there the selection had to be made on the basis of the performance of candidates in the written test as well as interview. In that case it appears that undue importance was given to oral interview. It is no more res integra that it is open to the employer to make appointments on the posts only on the basis of performance of the candidates in the interview. In the case in hand the selection committee has divided 100 marks in three components. 30 marks were prescribed for experience of candidates; 20 marks were prescribed for qualification of the candidates; and 50 marks were prescribed for viva voce. So it cannot be said that the merits of the candidates has been assessed by the selection committee without there being any norms or guidelines. The selection committee was perfectly within its competence to lay down its own procedure for making selection of candidates. The petitioner has only right of consideration for appointment, which right has not been denied to him. It is a different matter that the petitioner could not stand to the assessment of merits in comparison to respondents No.4 to 11, who have been selected and given appointment.

3. This court will not sit as court of appeal over the decision of the selection committee. These are matters to be decided by the selection committee which consists of experts and in such matters this court has very limited power of judicial review. The selection could have been subjected to judicial review of this court if the petitioner has been able to make out a case of mala fide against some or all of the members of the

selection committee, or that the candidates who have been given appointment were lacking the requisite eligibility prescribed for the post. This court will not making roving and fishing inquiry into such matters merely on the basis of some averments made by the petitioner in the special civil application. In all 77 candidates were interviewed. The merits of the candidates would have been assessed by the selection committee having regard to the qualification, experience and performance in the interview. The counsel for the petitioner, referring to the pleadings made in subpara (5) of para 14 of the petition contended that it is a case of mala fide. The pleadings in para 14(5) are to the extent that the petitioner was the Vice President of Dantiwada Zone of the Gujarat Agricultural University Ministerial Staff Association, and the said Association had filed special civil application No.5033 of 1981 before this Court challenging the selection made to the post of Accounts Officer; and that petition was allowed and the selections were quashed by the judgment and order of this court dated 16th December, 1982. It is the case of the petitioner that due to the success of the said petition the respondent authorities are bearing grudge against the petitioner, and the petitioner's non-selection at the interview held in July , 1983 is vitiated by mala fides, illegal and null and void.

4. I have given my due consideration to the pleadings and I am satisfied that these are hardly of any assistance to the petitioner. These are absolutely vague and inadequate pleadings to make out a case of mala fides. Taking into consideration the facts of this case I do not find any merit in the special civil application, and the same deserves to be dismissed.

5. In the result this special civil application is dismissed. Rule discharged. No order as to costs.

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